

Message Text

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C O N F I D E N T I A L MADRID 6757

E.O. 11652: GDS

TAGS: PFOR, SP, PINT

SUBJECT: GOVERNMENT'S REFOR PROGRAM: TIMING, SUBSTANCE, AND ISSUES

REF: MADRID 6695

1. SUMMARY: UNDER SECRETARY OF GOVERNMENT ORTI BORDAS TOLD CHARGE AND ANOTHER EMBASSY OFFICER SEPTEMBER 2 THAT (1) PRIME MINISTER SUAREZ IS DETERMINED TO DO EVERYTHING POSSIBLE TO SPEED DEMOCRATIZATION PROCESS, ALTHOUGH FOR PRACTICAL PRO-CEDURAL REASONS IT IS UNLIKELY REFERENDUM CAN TAKE PLACE BEFORE NOVEMBER; (2) CONSTITUTIONAL REFORM PROPOSALS THAT SUAREZ WILL PROBABLY ANNOUNCE IN MID-SEPTEMBER ARE EXPECTED TO GO SIGNIFICANTLY BEYOND THOSE PLANNED BY THE "ARIAS-FRAGA" GOVERNMENT; (3) GOVERNMENT PROBABLY DELIBERATELY WILL, HOWEVER, LEAVE AS MANY MAJOR ISSUES AS POSSIBLE TO BE DEALT WITH BY THE NEW LEGISLATURE FOR WHICH ELECTIONS MAY BE HELD AS EARLY AS MARCH 1977; AND (4) THE MOST DIFFICULT AND DELI-CATE CURRENT ISSUE IS HOW TO GET THE PSOE TO COMMIT ITSELF NOW TO ENTER THE GAME AS A LEGAL POLITICAL PARTY. END SUMMARY.

2. IN PRESENTING IN CONSIDERABLE DETAIL WHAT HE EXPECTED TO HAPPEN, ORTI STRESSED THAT THE GOVERNMENT HAS NOT YET
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REACHED FINAL DECISIONS AND ONLY A FEW MEMBERS OF THE CABINET

KNOW THE SPECIFICS OF WHAT IS BEING CONSIDERED. HOWEVER, ORTI'S IMMEDIATE SUPERIOR, MINISTER OF GOVERNMENT MARTIN VILLA, IS ONE OF THE MINISTERS WHO DOES KNOW. MOREOVER, ACCORDING TO ORTI, HE PERSONALLY WAS TOLD BY SUAREZ THE PREVIOUS EVENING THAT SUAREZ WANTED TO MOVE THE WHOLE PROCESS AS QUICKLY AS POSSIBLE, AND THE MINISTRY OF GOVERNMENT HAS BEEN INSTRUCTED TO STUDY WAYS OF CUTTING PROCEDURAL CORNERS TO GAIN TIME. ORTI EXPECTS SUAREZ TO ANNOUNCE THE GOVERNMENT'S PLANS BY MID-SEPTEMBER, PERHAPS JUST AFTER THE SEPTEMBER 10 CABINET MEETING. (THIS MORNING'S PRESS SPECULATES ON A POSSIBLE ANNOUNCEMENT EVEN EARLIER.) A SUMMARY OF ORTI'S VIEW OF WHAT IS LIKELY TO HAPPEN, AND OF PRINCIPAL ISSUES, FOLLOWS.

3. TIMING: GOS IS DOING EVERYTHING POSSIBLE TO REACH AN EARLY DECISION ON REFORMS AND CUT CORNERS IN SUBSEQUENT PROCEDURAL MATTERS IN ORDER TO SPEED UP THE DEMOCRATIZATION PROCESS. IN ORTI'S PERSONAL OPINION, HOWEVER, A REFERENDUM CANNOT BE HELD BEFORE NOVEMBER BECAUSE OF THREE CAUSES OF DELAYS: (1) REVIEW BY THE NATIONAL COUNCIL; (2) APPROVAL IN THE CORTES; AND (3) PROCEDURAL AND ADMINISTRATIVE ARRANGEMENTS THROUGHOUT THE COUNTRY TO HOLD THE REFERENDUM. ONCE THE REFERENDUM IS HELD, THE GOS WILL PROBABLY PROCEED WITH ELECTIONS FOR A NEW CORTES QUICKLY, PERHAPS IN MARCH. MUNICIPAL ELECTIONS NOW SCHEDULED FOR NOVEMBER WILL PROBABLY BE POSTPONED UNTIL AFTER THE LEGISLATIVE ELECTIONS.

4. SUBSTANTIVE IMPROVEMENTS: ACCORDING TO ORTI, PRESENT GOS THINKING ON POLITICAL REFORMS IS NOTABLY BETTER IN SEVERAL RESPECTS THAN WHAT WAS PLANNED UNDER THE "ARIAS/FRAGA PROPOSAL." WHEREAS THE LATTER LEFT OUT ENTIRELY EXECUTIVE RESPONSIBILITY TO THE CORTES OR THE PUBLIC, THE SUAREZ GOVERNMENT'S PROPOSAL WILL PROBABLY PROVIDE SOME FORM OF SUCH EXECUTIVE RESPONSIBILITY. ORTI HIMSELF, HOWEVER, WOULD OPPOSE DUPLICATING ANYTHING LIKE THE SYSTEM UNDER THE FRENCH FOURTH REPUBLIC OR THE PRESENT ITALIAN SYSTEM WHICH WERE SO UNSTABLE. HE WOULD FAVOR INTRODUCING STABILIZING MECHANISMS WHICH HAVE BEEN USED IN OTHER EUROPEAN POLITICAL SYSTEMS TO RESTRAIN PRECIPITOUS PARLIAMENTARY ACTIONS AGAINST GOVERNMENTS. A KEY IMPROVEMENT IN THE BICANERAL FEATURE OF

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THE FUTURE CORTES MIGHT BE THE PROVISION THAT, ALTHOUGH THE TWO CHAMBERS WOULD HAVE "EQUAL POWERS," THE LOWER CHAMBER WOULD HAVE MORE PREROGATIVES FOR INITIATING LEGISLATION AND BOTH CHAMBERS A VOICE IN CONSTITUTIONAL CHANGE.

5. CONSTITUENT FUNCTIONS OF THE ELECTED CORTES: ORTI EXPECTS THAT THE SUAREZ GOVERNMENT WILL LEAVE AS MUCH AS POSSIBLE TO BE DECIDED BY THE NEW, ELECTED CORTES, PRESUM-

ABLY TO PROVIDE GREATER LEGITIMACY AND TO ANSWER THE CALL FROM SOME OF THE OPPOSITION FOR A CONSTITUENT PROCESS. THIS, REGIONAL ISSUES AND THE ADOPTION OF A DEFINITIVE ELECTORAL LAW, FOR INSTANCE, MIGHT BE LEFT TO THE NEW CORTES. THERE WOULD, OF COURSE, HAVE TO BE AN INTERIM ELECTORAL LAW FOR THE FIRST ELECTIONS. THIS WAS VERY IMPORTANT. GOS WAS STILL UNDECIDED ABOUT HOW IT SHOULD BE FORMULATED AND THE OPPOSITION WAS ANXIOUS TO HAVE A SAY ON THE MODALITIES OF THE ELECTION OF A NEW CORTES WHICH WILL HAVE CRUCIAL IMPORTANCE ON THE ULTIMATE REPRESENTATION OF VARIOUS POLITICAL GROUPS. ORTI OBSERVED THAT A SINGLE DISTRICT MAJORITY SYSTEM WITH A RUN-OFF VOTE WOULD PROBABLY TURN OUT MOST UNFAVORABLE TO THE POLITICAL OPPOSITION. THE GOS, HE THOUGHT, WAS PREPARED TO DISCUSS, EVEN NEGOTIATE, THESE MODALITIES WITH THE OPPOSITION.

6. THE PSOE ISSUE: ORTI SAID THE GOS WOULD CONTINUE DIALOGING WITH VARIOUS ELEMENTS OF THE OPPOSITION IN AN EFFORT TO DRAW THEM INTO THE POLITICAL GAME ON THE BASIS OF THE RECENT LAW PERMITTING THE FORMATION OF POLITICAL PARTIES. AT THE SAME TIME, THE GOS COULD NOT STAND BY INDEFINITELY AND ALLOW THE PSOE TO OPERATE ILLEGALLY, THAT IS WITHOUT SEEKING OFFICIAL APPROVAL UNDER THE LAW. IF THE PSOE PERSISTS IN THIS STANCE, THE GOS MIGHT EVEN BAN THE PLANNED PSOE CONGRESS SCHEDULED FOR EARLY NOVEMBER TO WHICH MAJOR FOREIGN SOCIALIST LEADERS HAVE BEEN INVITED. IN ORTI'S VIEW, THE PSOE IS BEING UNREASONABLY SUBSERVIENT TO PCE PRESSURE TO CONTINUE ITS COLLABORATION WITH THE COMMUNISTS ON THE LEGALIZATION ISSUE. THE PCE, HE SAID, IS THE ONLY OPPOSITION GROUP TO HAVE ANY MEANINGFUL SUPPORT AMONG LABOR -- IN THE WORKERS' COMMISSIONS -- WHEREAS THE PSOE, CONTRARY TO THE VIEW OF OTHERS AND IN SPITE OF THE UGT, LACKS A REALLY MEANINGFUL LABOR BASE. ORTI ALSO SAID THE

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PCE IS GOING ALL OUT IN ITS EFFORTS TO DEMONSTRATE ITS FLEXIBILITY BY OVERTURES ON ITS READINESS TO LIVE BY THE GOVERNMENT'S RULES OF THE GAME. HOWEVER, HE SAID THERE WAS NO POSSIBILITY OF THE GOS ACCEPTING THE PCE IN THE CURRENT POLITICAL PROCESS. (ORTI CONCENTRATED ON THE PCE LEGALIZATION ISSUE IN DISCUSSING REASONS FOR THE PSOE'S UNWILLINGNESS TO COMMIT ITSELF NOW FORMALLY TO ENTER THE POLITICAL PLAY. HE DID NOT SEEM SENSITIVE TO THE PSOE'S PRESUMED DESIRE FOR SATISFACTORY PRIOR GOS COMMITMENTS ON SUCH KEY ISSUES AS EXECUTIVE RESPONSIBILITY AND THE ELECTORAL LAW.)

7. CIVIL GOVERNORS' MEETING WITH GOVT LEADERS AUGUST 31: ORTI SAID THE PRIMARY PURPOSE OF THIS MEETING, WHICH WAS CALLED BY THE MINISTERS OF GOVERNMENT AND THE NATIONAL MOVEMENT AND WHICH WAS ALSO ADDRESSED BY THE PRIME MINISTER,

WAS TO DISCUSS RECENT LEGISLATION ON FREEDOM OF ASSEMBLY AND
POLITICAL PARTIES SO AS TO HARMONIZE APPLICATION OF THESE
LAWS THROUGHOUT THE COUNTRY. ORTI SAID THAT THIS MEETING
WOULD PROBABLY BE FOLLOWED BY OTHERS OF THE SAME TYPE AS
WELL AS MEETINGS AMONG GOVERNORS OF PARTICULAR REIONS WHEN
THERE WERE SPECIFIC ISSUES LENDING THEMSELVES TO TREATMENT
ON A REGIONAL BASIS.

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